

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RONALD LEE PAULSON,

11 v. Petitioner,

12 UTTECHT,

13 Respondent.

CASE NO. 3:19-cv-05298-RBL

ORDER DENYING MOTION FOR
RECONSIDERATION

14 THIS MATTER is before the Court on Petitioner Ronald Lee Paulson's Motion for
15 Reconsideration. Dkt. # 19. On July 31, 2019, the Court issued an Order adopting Magistrate
16 Judge Christel's Report and Recommendation to dismiss Paulson's petition as barred by 28
17 U.S.C. § 2244(d)'s one-year statute of limitations. Dkt. # 17. Judge Christel explained that
18 Paulson's petition was filed 119 days after the AEDPA limitations period expired on December
19 18, 2018. Dkt. # 14 at 3. On the current Motion, Paulson vaguely contends that the Court should
20 ignore AEDPA's statute of limitations and review his petition.

21 Pursuant to Local Rule 7(h)(1), motions for reconsideration are disfavored, and will
22 ordinarily be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or
23 legal authority which could not have been brought to the attention of the court earlier, through

1 reasonable diligence. The term “manifest error” is “an error that is plain and indisputable, and
2 that amounts to a complete disregard of the controlling law or the credible evidence in the
3 record.” Black’s Law Dictionary 622 (9th ed. 2009).

4 Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of
5 finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d
6 877, 890 (9th Cir. 2000). “[A] motion for reconsideration should not be granted, absent highly
7 unusual circumstances, unless the district court is presented with newly discovered evidence,
8 committed clear error, or if there is an intervening change in the controlling law.” *Marlyn*
9 *Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Neither
10 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for
11 reconsideration, is intended to provide litigants with a second bite at the apple. A motion for
12 reconsideration should not be used to ask a court to rethink what the court had already thought
13 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.
14 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for
15 reconsideration, and reconsideration may not be based on evidence and legal arguments that
16 could have been presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT &*
17 *T Co.*, 363 F.Supp.2d 1253, 1269 (D. Haw. 2005). “Whether or not to grant reconsideration is
18 committed to the sound discretion of the court.” *Navajo Nation v. Confederated Tribes & Bands*
19 *of the Yakima Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

20 Under 28 U.S.C. § 2244(d), “[a] 1-year period of limitation shall apply to an application
21 for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court.”
22 Typically, the clock starts running when the petitioner’s judgment becomes final,
23 § 2244(d)(1)(A), although it is tolled while a petitioner pursues state post-conviction relief.
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1 § 2244(d)(2). The period also may start anew if the petitioner relies on a new, retroactively-
2 applicable constitutional right or if new factual predicates are uncovered that were unavailable
3 before. §§ 2244(d)(1)(C), (D). Equitable tolling may also be available in some rare cases “if
4 extraordinary circumstances beyond a prisoner’s control make it impossible to file a petition on
5 time.” *Corjasso v. Ayers*, 278 F.3d 874, 877 (9th Cir. 2002) (quoting *Calderon v. U.S. Dist.*
6 *Court for the Cent. Dist. of Cal.*, 128 F.3d 1283, 1288 (9th Cir. 1997)).

7 Here, Paulson has asserted nothing beyond conclusory generalizations to convince the
8 Court that AEDPA’s statute of limitations should be ignored in his case. He states that his
9 petition rests on newly-discovered grounds, but he does not elaborate on what those grounds are
10 or why they could not have been uncovered earlier with due diligence. Dkt. # 19 at 5. He also
11 argues broadly about how habeas cases are “original civil action[s]” and should not be subject to
12 exhaustion requirements. Exhaustion is irrelevant to his petition, which was dismissed as
13 untimely. In short, Paulson provides no arguments compelling enough to approach the high bar
14 to succeed on a motion for reconsideration. His Motion is therefore denied.

15 IT IS SO ORDERED.

16 Dated this 19th day of August, 2019.

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18 Ronald B. Leighton
19 Ronald B. Leighton
20 United States District Judge